

Committee Room,
Austin, Texas, Feb. 4, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 46, A bill to be entitled "An Act amending Article 3386 of the Revised Statutes of 1925, as amended 1927, providing for the amount of bonds of executors and administrators and amending Article 3576 of the Revised Civil Statutes of Texas of 1925 so as to require executors and administrators to give bond when selling real estate belonging to the estate of decedents, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, Feb. 4, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 57, A bill to be entitled "An Act to amend Article 4111 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 179, Page 257, Regular Session of the Fortieth Legislature, 1927, so as to provide for fixing the venue where the appointment of guardians may be made, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, Feb. 4, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 59, A bill to be entitled "An Act to amend Articles 4613 and 4614, Title 75, Chapter 3, of the Revised Statutes of the State of Texas, 1925, concerning the marital rights of parties, defining separate property of the husband and wife, exempting separate property of husband from debts contracted by the wife except for necessities furnished herself and children after her marriage with him, and from torts of the wife, giving husband manage-

ment, control and disposition of his separate property during marriage, providing that the wife shall have the sole management, control and disposition of her separate property, provided that the joinder of the husband shall be necessary to a conveyance or incumbrance of the wife's lands, bonds and stocks, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, Feb. 4, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 318, A bill to be entitled "An Act to amend Article 1430, Title 17, Chapter 8 of the Penal Code of the State of Texas, adopted at a regular session of the Thirty-ninth Legislature, 1925, being an Act defining the receiving or concealing of stolen property or property which has been acquired in such a manner that the acquisition comes within the meaning of the term theft by one knowing the same to have been so acquired, and prescribing the punishment for the violation thereof, and providing that no person shall be excused from testifying against persons who have violated the provisions of said article for the reason that such testimony would incriminate such witness, and providing that no person required to so testify shall be punishable for acts disclosed by such testimony, and providing that no such person so testifying shall be held in law or in fact to be an accomplice when a witness in any such trial."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

TWENTY-FIRST DAY.

Senate Chamber,
Austin, Texas,
Tuesday, February 5, 1929.
The Senate met at 10 o'clock a. m. pursuant to adjournment, and was

called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Greer.	Neal.
Hardin.	Pollard.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Small:

S. B. No. 432, A bill to be entitled "An Act to amend Chapter 93 of the Acts of the Regular Session of the Fortieth Legislature which amends Article 7065, of the Revised Civil Statutes of 1925, by adding thereto Sections numbered 4, 5, 6, so as to provide a refund of the tax paid by any person, firm, co-partnership, company, agency, association or corporation on gasoline to be used for agricultural purposes; providing for methods and conditions under which a refund can be made; providing a penalty for making false statements to take advantage of this Act; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Small:

S. B. No. 433, A bill to be entitled "An Act to provide for a five year closed season on wild turkey and

prairie chickens in Hutchinson, Wheeler and Collingsworth Counties, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Parr:

S. B. No. 434, A bill to be entitled "An Act to create Santa Maria Water Control and Improvement District Cameron County Number Four in Cameron County, Texas, validating and approving all orders made by the commissioners' court of said county in respect to the original organization of said district as a Water Improvement District under Article 3, Section 52 of the Constitution; validating and approving all orders made by the board of directors of said district converting said district to a conservation and reclamation district under Section 59 of Article 16 of the Constitution of the State of Texas; validating all assessments of taxes, the authorization, issuance and sale of bonds thereof, and providing for their payment, and the issuance and sale of the bonds of said district, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said district, approving and validating all orders of the commissioners' court of said county and of the board of directors of said district, bonds and taxes or certified copies thereof, and constituting all such orders and their record legal evidence; providing that proof of publication of the Constitutional notice required in the enactment of this Act has been duly made; enacting provisions incident and necessary to the subject and purpose of this Act; and declaring an emergency."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator Parr:

S. B. No. 435, A bill to be entitled "An Act creating and establishing Starr County Water Control and Improvement District No. 1 in Starr County, Texas, under Section 59, of Article 16 of the Constitution of the State of Texas for the purpose of the control, storing, preservation and distribution of its waters and flood waters, the waters of its streams and rivers, for irrigation, power and all other useful purposes, the recla-

mation and irrigation of its arid, semi-arid and other lands needing irrigation, the reclamation and drainage of its overflowed lands and other lands needing drainage, the conservation and development of its forest, water and hydro-electric power, and the preservation and conservation of all such natural resources of the district, and with the powers, authority, rights, privileges and functions conferred in this Act and those provided and set out in Chapter 25 of the General Laws passed by the Thirty-ninth Legislature at its Regular Session, and Acts amendatory thereof now in force, or which may hereafter be passed; etc., and declaring an emergency."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator Hornsby:

S. B. No. 436, A bill to be entitled "An Act granting to the City of Austin the north half of Block 94 in said city and authorizing the Colored Methodist Episcopal Church of Austin, known as the Wesley Chapel, to convey or sell same to said city, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Hornsby:

S. B. No. 437, A bill to be entitled "An Act providing for the execution of prisoners at the State penitentiary by the sheriff or his chief deputy, or in the event of their death or disability by some person to be appointed by the Board of Prison Commissioners; providing for a fee for such executioner and his expenses; amending Articles 802 and 810 of the Code of Criminal Procedure of 1925; and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Parrish:

S. B. No. 438, A bill to be entitled "An Act making it unlawful for any person to enter upon the land and premises of another for the purpose of making a geological survey of said land and premises, or to any other manner, or by any other method, attempt to ascertain the presence of oil, gas or other minerals upon or under said land, without

first having procured from the owner of the land a permit in writing, making such offense a misdemeanor, prescribing punishment thereof; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Patton:

S. B. No. 439, A bill to be entitled "An Act providing for the compensation of certain employees of the State Penitentiary System, and declaring an emergency."

Read first time and referred to Committee on Penitentiaries.

By Senator Williamson:

S. B. No. 440, A bill to be entitled "An Act amending Section 1 of Chapter 218 of the general and special laws of the Regular Session of the Fortieth Legislature so as to permit blue uniforms in addition to dark grey to be worn by officers making arrests for violations of the laws of this State relating to the speed of motor vehicles; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

Senators Excused.

On motion of Senator Miller, Senators Witt and Hardin were excused for the day on account of important business.

Senate Bill No. 406.

Senator Hornsby received unanimous consent to take up out of its regular order the following bill:

S. B. No. 406, A bill to be entitled "An Act authorizing the Gulf Refining Company to construct and maintain a bridge across Salt Bayou."

The rule requiring Committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Hornsby, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 406 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.
Berkeley.

Cousins.
Cunningham.

DeBerry.	Patton.
Gainer.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Hyer.	Thomason.
Love.	Westbrook.
Martin.	Williamson.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Woodul.
Parr.	Woodward.
Parrish.	

Absent—Excused.

Greer.	Neal.
Hardin.	Pollard.

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Holbrook.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Greer.	Neal.
Hardin.	Pollard.

Senate Bill No. 189.

The Chair laid before the Senate as pending business the following bill:

S. B. No. 189, A bill to be entitled "An Act providing for the establishing, organization, management, direction and maintenance of a State Museum, as a part of the public School system, to be known as the Texas State Museum; constituting a locating board and a board of control for said museum; authorizing the creation of a museum staff and the acceptance of donations of money or collections of museum materials; the acquisition of archaeological, historical, and scientific sites within the State; constituting State parks a department of the museum; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook

the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 189 was put on its third reading and final passage, by the following vote:

Yeas—19

Beck.	Parr.
Berkeley.	Russek.
Cousins.	Small.
DeBerry.	Stevenson.
Gainer.	Thomason.
Holbrook.	Williamson.
Hyer.	Witt.
Love.	Woodul.
Martin.	Woodward.
Miller.	

Nays—3.

Cunningham.	Parrish.
McFarlane.	

Absent.

Hornsby.	Westbrook.
Moore.	Wirtz.
Patton.	

Absent—Excused.

Greer.	Neal.
Hardin.	Pollard.

The bill was read third time and finally passed by the following vote:

Yeas—18.

Beck.	Parr.
Berkeley.	Russek.
Cousins.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Woodul.
Miller.	Woodward.

Nays—4.

Cunningham.	McFarlane.
DeBerry.	Parrish.

Absent.

Gainer.	Patton.
Moore.	Westbrook.

Absent—Excused.

Greer.	Pollard.
Hardin.	Witt.
Neal.	

Senate Bill No. 232.

The Chair laid before the Senate on third reading the following bill: S. B. No. 232, A bill to be entitled

"An Act to amend Article 5302 of the Revised Civil Statutes of 1925, by adding thereto Article 5302a providing that wherever the line or lines of any survey of land heretofore made cross a stream, or part thereof and the lands or any part thereof covered by such survey lie within such streams or part thereof, and awards or patents to such surveys shall have been issued and outstanding for a period of five years from the date thereof, and have not been cancelled or forfeited, the acts and decisions of the officers of this State in the issuance of such awards or patents, shall be final and conclusive evidence that such surveys have been made in accordance with Section 5302 of the Revised Civil Statutes of 1925 and all prior enactments thereof, and declaring an emergency."

The bill was read third time and finally passed.

Senate Bill No. 257.

The Chair laid before the Senate on third reading the following bill:

S. B. No. 257, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to accept and award all applications for the repurchase of public school land forfeited and reappraised under Chapter 94, an Act approved March 19, 1925, and as amended by Chapter 25, an Act approved October 27, 1926, for which applications or the first payment therefor were filed in the Land Office after the expiration of the time allowed by law for the filing thereof but for which applications and the first payment were so filed; such acceptance and award to be subject to existing rights and any third party who may have filed oil and gas applications thereon."

The bill was read third time.

Senator Berkeley sent up the following amendment:

Amend Senate Bill 257 by adding to the Caption after the word "thereon" in line 17 the following words "and declaring an emergency."

BERKELEY.

The amendment was read and adopted unanimously.

The bill as amended was finally passed by the following vote:

Yeas—25.

Beck.
Berkeley.

Cousins.
Cunningham.

DeBerry.
Gainer.
Holbrook.
Hornsby.
Hyer.
Love.
Martin.
McFarlane.
Miller.
Moore.
Parr.

Parrish.
Patton.
Russek.
Small.
Stevenson.
Thomason.
Westbrook.
Williamson.
Woodul.
Woodward.

Nays—1.

Wirtz.

Absent—Excused.

Greer.
Hardin.
Neal.

Pollard.
Witt.

Senate Bill No. 25.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 25, A bill to be entitled "An Act fixing the salary of the stenographers of the Courts of Civil Appeals of this State, and declaring an emergency."

On motion of Senator Love, the bill was laid on the table subject to call.

Senate Bill No. 100.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 100, A bill to be entitled "An Act authorizing and empowering the Railroad Commission of Texas to require railroads to construct, maintain, and operate their lines, plants, systems, equipments, apparatus, tracks, and premises in such a manner as to promote and safeguard the health and safety of their employees."

The bill was read second time.

The Committee substitute was adopted.

Senator Hyer sent up the following amendment:

Amendment 1. S. B. 100.

To amend S. B. No. 100, strike out in the caption, page 4, line 2, "construct" and in page 4, lines 20-21 "construct."

The amendment was read and adopted.

Senator Woodward sent up the following amendment:

Amend Committee substitute for Senate Bill No. 100 by adding after line 4, page 6 of the printed bill, the following:

"Section 6. In all actions between private parties and railway companies brought under this law, the order, rules or regulations prescribed by the Commission before the institution of such action, shall be held conclusive, and deemed and accepted to be reasonable, fair and just, and in such respect shall not be controverted hereunder until finally found otherwise in a direct action brought for the purpose and in the manner prescribed by the two preceding sections.

"Section 7. If any railway company or party at interest be dissatisfied with the decision of any order, rule or regulation adopted by the Commission, such party may appeal to the courts in the manner and method now provided by Article 6453 insofar as the same may be applicable.

"Section 8. The burden of proof shall rest upon the plaintiff to show that the rates, regulations, orders, classifications, grounds or charges complained of are unreasonable and unjust to it or them."

Senator Martin moved that the bill be recommitted to the Committee on Labor.

Bill Signed.

The Chair, Lieutenant Governor, Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 127.

Message from the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Feb. 5, 1929.

Hon Barry Miller, President of the Senate,

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 354 by a vote of 100 Yeas and 4 Nays.

The House has concurred in Senate Amendments to House Concurrent Resolution No. 11 by a viva voce vote.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Recess.

On motion of Senator McFarlane, the Senate, at 12:00 o'clock noon, recessed until 2:00 o'clock p.m.

After Recess.

The Senate was called to order at 2:00 o'clock p.m., pursuant to recess by Lieutenant Governor Barry Miller.

Senate Bill No. 100.

The question recurred upon the recommitment of S. B. No. 100 to the Committee on Labor.

Senator McFarlane raised the point of no quorum. The Chair ordered a roll call which showed the following results:

Present.

Berkeley.	McFarlane.
Cousins.	Moore.
Cunningham.	Parr.
DeBerry.	Patton.
Gainer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Woodward.

Absent.

Beck.	Russek.
Miller.	Westbrook.
Parrish.	Woodul.

Absent—Excused.

Greer.	Pollard.
Hardin.	Witt.
Neal.	

The Secretary was ordered to call the names of the absentees.

The Sergeant-at-Arms was directed to bring in enough members to complete the quorum.

Senators Beck, Parrish, and Woodul completed the quorum.

Senator Hyer moved the previous question upon the pending motion the amendment, and the bill. The motion prevailed.

The motion to recommit was lost by the following vote:

Yeas—8.

Beck.	Martin.
Cousins.	Small.
Cunningham.	Stevenson.
Gainer.	Thomason.

Nays—16.

Berkeley.	Parr.
DeBerry.	Parrish.
Holbrook.	Patton.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Woodul.
Miller.	Woodward.

Absent.

Moore.	Russek.
--------	---------

Absent—Excused.

Greer.	Pollard.
Hardin.	Witt.
Neal.	

The amendment was lost by the following vote:

Yeas—11.

Beck.	Moore.
Berkeley.	Parrish.
Cousins.	Small.
Cunningham.	Westbrook.
Hyer.	Woodul.
Love.	

Nays—14.

DeBerry.	Parr.
Gainer.	Patton.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Martin.	Williamson.
McFarlane.	Wirtz.
Miller.	Woodward.

Absent.

Russek.	
---------	--

Absent—Excused.

Greer.	Pollard.
Hardin.	Witt.
Neal.	

The bill failed to pass to engrossment by the following vote:

Yeas—8.

Beck.	McFarlane.
Berkeley.	Westbrook.
Hyer.	Williamson.
Love.	Woodul.

Nays—13.

Cousins.	Miller.
Cunningham.	Moore.
DeBerry.	Patton.
Gainer.	Small.
Holbrook.	Thomason.
Hornsby.	Wirtz.
Martin.	

Absent.

Russek.

Absent—Excused.

Greer.

(Pairs Recorded.)

Senator Stevenson (present), who would vote no with Senator Pollard (absent), who would vote yea.

Senator Parr (present), who would vote no with Senator Hardin, (absent), who would vote yea.

Senator Parrish (present), who would vote yea with Senator Witt (absent), who would vote no.

Senator Woodward (present), who would vote no with Senator Neal (absent), who would vote yea.

Messages from the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, Feb. 5, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has failed to pass the following resolution:

S. C. R. No. 14, Providing for the appointment of a Committee of 12 members from the House and Senate to investigate the wisdom of establishing a college in Meridian, Texas.

The House has passed the following resolution:

S. C. R. No. 19, Providing for the appointment of a joint committee from the House and Senate to confer with a like committee to be appointed by the Legislature from the State of Oklahoma, with reference to disputed ownership of land between the two States.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 5, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 276, A bill to be entitled

"An Act to provide for the payment of actual and necessary expenses of official and deputy official shorthand reporters when actually engaged in the manner of payment of such expenses by the several counties of the judicial districts, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 5, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

House Joint Resolution No. 6, Proposing an amendment to the Constitution of the State of Texas, providing for a Supreme Court of nine members, etc.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill Referred.

H. B. No. 276 referred to Committee on State Affairs.

Bill Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following resolutions:

H. C. R. No. 11.

H. J. R. No. 6 Referred.

H. J. R. No. 6 referred to Committee on Constitutional Amendments.

S. C. R. No. 20.

Senator Hornsby sent up the following resolution:

Whereas, The University Land Acquisition Board on or about November 26, 1928 submitted to the Governor of Texas a written report of the work of said Board, and under the authority previously conferred by an Act of the Legislature, and in said report submitted the request that they be permitted to deliver to the University of Texas the books, records, and the desk used by said Board during its active work in the purchase of property for the University, therefore be it

Resolved By the Senate, the House concurring, that said request of the University Land Acquisition Board be granted, and the authority is hereby given to deliver such property to the proper authorities of the University of Texas.

The resolution was read and adopted.

In connection with the resolution, Senator Hornsby received permission to have printed in the Journal, the following:

Austin, Texas, Feb. 2, 1929.

Senator John W. Hornsby,
State Senate,
Capitol.

Dear Judge:

Enclosed herewith is report received from the University Land Acquisition Board. You will note that it is suggested that certain records be turned over to the University. I believe the Board should be authorized to do this, and that a bill to that effect would be appropriate. Please return the report after it has served your purpose.

Very truly yours,

DAN MOODY.

Austin, Texas, Nov. 26, 1928.

Hon. Dan Moody,
Governor of Texas.

Dear Governor:

On January 3, 1927, we submitted to you a report as the University Land Acquisition Board. At that time there were three tracts of land unbought. Since that time the Board has completed the purchase of two of these tracts. The Nellie and D. H. Doom tract, consisting of 2.363 acres fronting 405 feet west on Speedway, 216 1-2 feet south on Twenty-fourth street and east 196 feet on an alley was acquired by condemnation proceedings in the County Court of Travis County, Texas, July term 1927, in Cause No. 5828. The amount of the judgment being the sum of \$55,000.00, which sum was paid into the court by the University Land Acquisition Board, to be paid out as per terms of judgment in said cause.

On December 2, 1927, the Board purchased from Jewel Fulton lots Nos. 16, 17, and 18 in Subdivision of Outlot No. 8, in Division "D" City of Austin, Travis County, Texas, together with all improvements there-

on, and paid therefor the sum of \$3,500.00.

This completes the purchase of all property, the purchase of which was contemplated by Act of the Thirty-seventh Legislature as per Senate Bill No. 111, with the exception of the James and Mary Cavanaugh tract consisting of approximately 25 acres and being legally described as Outlots 0, 1 and 2 of the City of Austin, Travis County, Texas. This property lies between Nineteenth and Twenty-first Streets and extends from Speedway east to Waller Creek. The Board was unable to complete condemnation on the Cavanaugh property because of an opinion held by the Attorney General's Department. We quote in part from that opinion under date of November 24, 1926 as follows:

"The Cavanaugh tract cannot be acquired at this time on account of lack of funds and for that reason the condemnation suit as to it will have to be postponed until the Legislature provides the necessary money to pay the damages in acquiring the title."

We have in our possession books, records, etc. used by us in the handling of the purchase of this property as follows:

1. A well bound minute book presented to the Board by Hogg Brothers of Houston, Texas, in which a complete record was kept of all transactions of the Board.

2. A book with a list of all the properties the purchase of which was authorized by the Act of the Legislature. This book has an index of the ownership of each piece of property, a brief description of same, with the appraised value of each piece of property as placed on same by the six citizens committees, together with a short history of the purchase of each tract.

3. A well bound ledger with a complete record of all monies paid out, each item having a voucher number used by the Board in approving accounts.

4. A file cabinet containing the list of all owners of property in the University Extension District, together with correspondence pertaining to each tract including the opinion of the Attorney General on title of each tract bought, also Citizens Bond.

5. A duplicate copy of all vouchers as drawn by this Board on the Comptroller.

6. A desk used by this Board during its active work in purchasing this property.

It is the opinion of the Board that all the records in connection of the purchase of this property should be placed in the custody of the University of Texas and we so recommend, unless there is some legal reason why these records should not be so disposed of. Since the University of Texas owns title to all these lands these records will be valuable and interesting history to the University and we will be pleased to have you authorize us to deliver them to the University.

Our last report was made

to you on June 3, 1927,

and at that time there

was an unexpended

balance of\$105,280.99

Since that time we have

paid out the following:

Aug. 9, 1927 Nellie Doom

et al\$ 55,000.00

Dec. 2, 1927 Jewel

Fulton 3,500.00

Nov. 26, 1928, Mrs. Bess

Thompson, stenog-

rapher 25.00

\$ 58,525.00

This leaves an unex-

pended balance of\$ 46,755.99

We have checked our account with the records of the Comptroller's office and our balance as above is correct according to their records.

As members of the University Land Acquisition Board we feel that our labors are complete and we ask that we be relieved of further obligation in connection therewith.

Respectfully submitted,

GUY COLLET,

Chairman.

J. H. W. WILLIAMS,

Secretary.

Senate Bill No. 109.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 109, A bill to be entitled "An Act relating to the licensing of motor vehicle operators and chauffeurs and to the liability of certain

persons for negligence in the operation of motor vehicles on the public highways, providing for issuance of licenses, revocation thereof, forbidding driving by persons without licenses, providing penalties, providing for fees to be paid, and declaring an emergency."

The committee amendment was adopted.

The bill was read second time.

Senator DeBerry sent up the following amendment:

Amend S. B. No. 109, Page 4, Line 5 by striking out the word "sixteen" and add in lieu thereof the word "fourteen."

DeBERRY.

The amendment was read.

Senator Wirtz sent up the following substitute for Senator DeBerry's amendment:

Amend S. B. No. 109 by adding a new section thereto to be numbered Section 6a, as follows:

Sec. 6a. Any child over fourteen years of age and under sixteen years of age may obtain a license to drive his or another's automobile by filing with the County Judge of his or her county an application for a permit so to do accompanied with the written request of the parent of said child and the certificate of two practicing physicians stating that said child is physically and mentally able to drive an automobile, and if said judge is of the opinion that said child is competent to drive an automobile he shall issue a permit to such child to drive such automobile. Such applicant shall pay to said county judge a fee of fifty cents upon filing such application.

WIRTZ.

The amendment was read and adopted by the following vote:

Yeas—12.

Gainer.	Patton.
Holbrook.	Stevenson.
Martin.	Westbrook.
Miller.	Williamson.
Moore.	Wirtz.
Parr.	Woodward.

Nays—9.

Berkeley.	Hyer.
Cousins.	Love.
Cunningham.	McFarlane.
DeBerry.	Thomason.
Hornsby.	

Absent.

Beck.
Parrish.
Russek.

Small.
Woodul.

Absent—Excused.

Greer.
Hardin.
Neal.

Pollard.
Witt.

The amendment as substituted was adopted.

Senator Woodward sent up the following amendments:

Amend Line 7, Page 10 by striking out the word "manslaughter" and insert in lieu thereof the word "negligent homicide."

The amendment was read and adopted.

Amend Line 23, Page 11 by striking out the words "justice of the peace" and insert therein the words "county judge."

WOODWARD.

The amendment was read and adopted.

Senator Woodward sent up the following amendment to Amendment No. 2 as adopted.

Amend Amendment No. 2 by changing the words "fourteen" to "twelve" on Line 1 of the Amendment.

The Amendment was read and adopted.

The bill as amended passed to engrossment.

Senate Bill No. 195.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 195, A bill to be entitled "An Act amending Article 2104 of the Revised Civil Statutes of the State of Texas, as recodified and adopted at the Regular Session of the Thirty-ninth Legislature, 1925, relating to the appointment of Jury Commissioners to select petit jurors; providing for their compensation; prescribing their qualifications; and providing that the number appointed shall not be less than three and not more than five, in the discretion of the district judge, and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill No. 196.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 196, A bill to be entitled "An Act amending Article 333 of the Code of Criminal Procedure of the State of Texas, as recodified and adopted at the Regular Session of the Thirty-ninth Legislature, 1925, relating to the appointment of jury commissioners to select grand jurors, providing for their compensation and prescribing their qualifications; and providing that the number appointed shall not be less than three and not more than five, in the discretion of the district judge, and declaring an emergency."

The bill was read second time and passed to engrossment.

Adjournment.

On motion of Senator Wirtz, the Senate, at 4:05 o'clock p.m., adjourned until 10:00 o'clock Wednesday morning.

APPENDIX.

Washington, D. C. Feb. 2, 1929.
Hon. Bob Barker, Secretary,
Senate Chamber,
Austin, Texas.

Dear Mr. Barker:

I have received your letter of January 28th enclosing me copies of Senate Concurrent Resolutions Nos. 11 and 12 recently passed by both Houses of the 41st Legislature.

I had both of these resolutions read in the House of Representatives yesterday for the information of the House and I made a brief speech on the subjects covered by the resolutions. I herewith enclose the Congressional Record which contains the resolutions and the remarks which I made on them.

Thanking you for calling these subjects to my attention, I remain,

Yours Sincerely,
EUGENE BLACK.

P. S. In my judgment the views of the Texas Legislature on the subjects covered by these resolutions meets with the approval of the entire Texas Delegation in Congress.

E. B.

Washington, D. C. Feb. 2, 1929.
Hon. Bob Barker,
Senate Chamber,
Austin, Texas.

Dear Bob:

I have yours transmitting Senate Concurrent Resolutions Nos. 11 and

12. I am glad to get the views of the Texas Senate on these matters. We will see what can be done with reference to returning the records of the men composing the Confederate Armies as set out in the Resolution by Mr. Moore. The Ways and Means Committee of the House is considering at this time all schedules of the tariff and will bring out a bill during the extra session that is, as I understand, to be convened in April.

With best wishes, I am

Yours Sincerely,

SAM RAYBURN.

Washington, D. C., Feb. 1, 1929.

Hon. Bob Barker,
Secretary, Senate of Texas,
Austin, Texas.

My dear Friend:

I am in receipt of yours of the 28th ultimo enclosing copies of Senate Concurrent Resolutions Nos. 11 and 12, adopted by the Legislature of Texas, both of which I am very glad to have.

With kindest regards,

Sincerely yours,

HATTON W. SUMNERS.

Washington, D. C.

Hon. Bob Barker,
Secretary of the Senate,
Austin, Texas.

Dear Bob:

I am in receipt of Senate Concurrent Resolutions Nos. 11 and 12 which I shall take occasion today to present to the House of Representatives. I shall also introduce a joint resolution directing the Secretary of War to return to the State of Texas through its Governor, the civil war records and muster rolls of the State of Texas. I see no reason why these should be kept in Washington.

Sincerely your friend,

CLAUDE HUDSPETH.

(TELEGRAM)

Dallas, Texas, Feb. 4, 1929.
Texas Senate,
Care Senator Thos. B. Love,
Austin, Texas.

We undersigned ministers of Dallas protest against House Bill proposing to legalize race track gambling in Texas. We endorse position of our Senator Hon. Thos. B. Love, on bill and believe he correctly represents majority of his constituency.

W. D. Bradfield, Professor Southern Methodist University; Wallace

Bassett, Cliff Temple; Charles S. Pierce, Ervay Street Baptist; L. N. Wells, East Dallas Christian; C. C. Seleckman, President Southern Methodist University; Claud M. Simpon, Munger Place Methodist; James H. Hunt, F. W. Bartell, J. Pfeiffer, German Baptist; A. C. Parker, Memorial Christian; Max Strang, Central Congregational; Fred C. Lastham, McKinney Baptist; Graham Frank, Central Christian; H. G. Ryan, Ervay Wynn, Forrest Ave. Baptist; L. B. Hawkins, Christian Church; J. P. Luton, St. Johns Methodist; T. O. Sallee, Hickory Baptist; H. R. Wells, Methodist; Otho B. Morris, First Methodist Episcopal; Henry Goodloe, Brandon Methodist; S. W. Edge,

(TELEGRAM)

Henrietta, Texas, Feb. 4, 1929.
Hon. Tom Love,
Senate,
Austin, Texas.

The Methodist pastors of the Wichita Falls district are unanimously and unalterably opposed to the Avis Bill to legalize the Parl Mutual betting system we are with you in your opposition to this dangerous bill.

Presiding Elder,
W. J. JOHNSON.

(TELEGRAM)

San Antonio, Texas, Feb. 4, 1929.
Senator Thomas B. Love,
Texas Senate Chamber,
Austin, Texas.

Believing that every qualified voter should be given the privilege of using the ballots according to the dictates of a clean clear and intelligent conscience we the undersigned respectfully request you to cast your vote in the Texas Legislature for Senate Bill number fourteen known as the freedom of conscience bill.

Mrs. G. W. Jones, State corresponding secretary; Mrs. Claud J. Carter, Legislative Chairman; Mrs. Wade H. Lewis, member of Executive Board of Texas Womens Democratic Association; Mrs. A. A. Thomas, President San Antonio W. C. T. U.

(TELEGRAM)

Houston, Texas, Feb. 5, 1929.
Hon. Barry Miller,
Lieutenant Governor,
Austin, Texas

Fear if House bill one six two becomes law pink boll worm quaran-

tine may become inoperative and if so Arkansas will be forced to embargo Texas cotton and cotton seed much as we would regret having to take such action

PAUL H. MILLAR.

Chief Inspector Arkansas State Plant Board.

(TELEGRAM)

Houston, Texas, Feb. 5, 1929.
Hon. Barry Miller,
President of the Senate,
Austin, Texas.

Have read H. B. 162 which I understand is now pending in the Senate. Our opinion the provisions of this bill makes pink boll worm control and eradication impossible by the State of Texas. This will lead to lack of cooperation between State and Federal government which would then necessitate our State taking such action as we deem advisable to protect Louisiana from another invasion of the pink boll worm.

W. E. ANDERSON,
Entomologist State of Louisiana.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Feb. 5, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 268 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 5, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 232 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 5, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 257 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 5, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 240 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 5, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 241 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 5, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 426 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 5, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 189 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 5, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 403, A bill to be entitled "An Act providing that no action shall be brought in any court to charge a person upon a promise or agreement to pay a debt which has been discharged in bankruptcy unless the promise or agreement upon which such action shall be brought, or some memorandum thereof, shall be in writing signed by the party to be charged therewith or by some person by him thereunto lawfully authorized; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, Feb. 5, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 401, A bill to be entitled "An Act amending Article 3353 of the Revised Civil Statutes of 1925, so as to require persons to be bona fide residents of this State in order to be qualified to have letters testamentary or of administration granted to them, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, Feb. 5, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 416, A bill to be entitled "An Act defining the measure of damages, where a county in condemnation proceedings takes either a portion of all of the improvements, to be the cost of removing the improvements to the remaining land, together with any other incidental damage resulting to the improvements or the remaining land, and conferring upon the county where insufficient land remains to accommodate the improvement, the right and power by the exercise of the right of eminent domain, to acquire the fee simple title to the improvements, by paying for them as damages their cash market value with full power over them including the right of alienation; providing a method whereby a county may take possession of any property condemned after the award of the commissioners, and repealing all laws, both general and special, in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to re-

port it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Feb. 5, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 171, A bill to be entitled "An Act enacting provisions designed to compel the sending in to the seat of government and to the Secretary of State of returns in elections and primary elections; defining offences and providing for penalties and remedies to accomplish such purpose; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Feb. 5, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 421, A bill to be entitled "An Act to provide for the execution of official bonds by a married woman holding public office or employed in any of the State Departments, without the joinder and consent of the husband and the privy acknowledgment, separate and apart from him, in the execution thereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Feb. 5, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 418, A bill to be entitled "An Act amending Article 6640 of the Revised Civil Statutes of 1925 requiring lis pendens notices to be filed upon the filing of any suit or action involving the title to real estate or seeking to establish any interest or right therein or to enforce any lien, charge or encumbrance against the same; providing

that failure to comply with the requirements of Article 6640 as amended shall be ground for dismissal of any suit affected by said article; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Feb. 5, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 409, A bill to be entitled "An Act amending Articles 6663 to 6674, both inclusive, of the Revised Civil Statutes of 1925 relating to highways and the Highway Department of the State of Texas; providing for a State Highway Commission to be composed of nine members, one of such members to be elected from each of nine different districts of the State described in the Act; providing for the calling of a special election to elect the commission provided for herein; providing the manner of their election, their term of office, compensation, bond, oath of office and duties; providing for a manager of said commission and fixing his compensation and requiring that he shall reside in Travis County during his tenure of office and devote his entire time to the duties of his office, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HYER, Chairman.

Committee Room,

Austin, Texas, Feb. 5, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 372, A bill to be entitled "An Act providing for oral arguments of transferred cases in Courts of Civil Appeals at the place to which such cases are transferred; amending Article 1738 of the Revised Civil Statutes of 1925 as amended by Chapter 51 of the General and Special laws of the First

Called Session of the Fortieth Legislature, so as to repeal the law requiring justices of Courts of Civil Appeals to hear oral arguments of transferred cases at the place from which cases have been transferred and regulating such arguments of transferred cases at the place from which cases have been transferred and regulating such arguments and providing for the expense connected with the hearing of such oral arguments at the place from which such cases were transferred; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Feb. 5, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 426, A bill to be entitled "An Act to change the name of the Criminal District Court of Travis County, to fix and define a jurisdiction of the Fifty-third District Court and the said Criminal District Court and to fix the jurisdiction of said proposed Ninety-eighth District Court, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PATTON, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 5, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 282, A bill to be entitled "An Act providing for penalties and attorneys fees where the defendant institutes suit to set aside a final order, ruling or decision of the Industrial Accident Board and such suit to set aside is discontinued or unsuccessful; and declaring an emergency." and the substitute bill adopted by the Committee.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that the original bill and the Committee Substitute do not pass.

WOODWARD, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 5, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 282, A bill to be entitled "An Act providing for penalties and attorneys fees where the defendant institutes suit to set aside a final order, ruling or decision of the Industrial Accident Board and such suit to set aside is discontinued or unsuccessful; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that that the substitute bill here-to attached pass in lieu thereof.

SMALL,
MARTIN.

By Hornsby.

C. S. S. B. No. 282.

A BILL

To Be Entitled

An Act providing for penalties and attorneys fees where suit is instituted to set aside a final order, ruling or decision of the Industrial Accident Board and such suit to set aside said order, ruling or decision is unsuccessful; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. There is hereby enacted Section 5B of Article 8307 of the Revised Civil Statutes of 1925 which shall read as follows:

Section 5B. In all cases where the Industrial Accident Board shall have made a final order, ruling or decision, as provided by law, and either party against whom or in whose favor the said final order, ruling or decision is made, shall institute suit to set aside said final order, ruling or decision, if the said party instituting the said suit is unsuccessful in setting said final or-

der, ruling or decision aside, or in reducing the amount, awarded by the said Industrial Accident Board, said party may in such event be liable to the adverse party in damages not to exceed twelve per cent of the amount so awarded by the said Industrial Accident Board and reasonable attorney's fees; said damages and attorney's fees to be determined and assessed by the trial judge in the court in which the said suit is instituted and tried.

Sec. 2. The fact that we have no law providing for penalties and attorney's fees in cases such as those mentioned in this Act, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and that this Act shall take effect and be in force from and after its passage and said rule is hereby suspended and it is so enacted.

Committee Room,

Austin, Texas, Feb. 5, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred S. J. R. No. 2,

"Proposing to amend the constitution of the State of Texas, by adopting a new Section, which shall provide that the Supreme Court of Texas may sit at any time during the year for the transaction of business, and that its terms shall begin and end with each calendar year, and repealing existing provisions in conflict therewith."

Have had same under consideration and I am instructed to report back to the Senate with the recommendation that it do pass with the accompanying Committee Amendment.

HORNSBY, Chairman.

Committee Amendment to S. J. R. No. 2.

Amend Section 2 of S. J. R. No. 2 so as to read as follows:

Section 2. If the Constitution shall not have been previously amended so as to provide that the Supreme Court shall be open at all times, then, in that event the foregoing Constitutional amendment shall be submitted to a vote of the qualified electors of this State, at an election to be held on the first Tuesday after the first Monday in

November, A. D. 1930, at which all ballots shall have printed thereon the following:

(1) "For the amendment to Article V, adding Section 3a, providing that the Supreme Court may sit at any time during the year.

"Against the amendment to Article V, adding Section 3a, providing that the Supreme Court may sit at any time during the year."

Each voter shall scratch out one of the above listed clauses on the ballot, leaving the one expressing his vote on the proposed amendment to which it relates.

Committee Room,

Austin, Texas, Feb. 5, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred S. J. R. No. 3,

"Proposing to amend Section 5 of Article IV of the Constitution of the State so as to provide that the Governor shall receive as compensation for his services an annual salary of twelve thousand (\$12,000.00) Dollars, and no more and providing for an election upon such proposed amendment, and making an appropriation therefor."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it pass with the accompanying Committee Amendment.

HORNSBY, Chairman.

Committee Amendment to S. J. R. No. 3.

Amend Senate Joint Resolution No. 3 by amending Section 2 thereof, to read as follows:

Section 2. If the Constitution of Texas shall not have been previously amended so as to provide an increase in the present annual salary of the Governor, the foregoing Constitutional amendment shall be submitted to the qualified voters of the State at an election to be held throughout the State on the first Tuesday after the first Monday in November, 1930, at which election the voters favoring said proposed amendment shall write or have printed on their ballots the words: "For the amendment to the Constitution, providing that the Governor shall be paid \$12,000.00 per year and no more."